THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No :19275 OF 2007

DATED:11-09-2007

BETWEEN:

Bolli Upendra.

..... PETITIONER

AND

The Tahsildar,
Khammam Urban Mandal,
Khammam District & another.

.....RESPONDENTS

ORDER:

Heard learned counsel appearing for the petitioner as well as the learned Government Pleader for Revenue appearing for the respondents.

2. Petitioner seeks a writ of mandamus declaring the action of the 1st respondent in passing the order of eviction vide impugned order in Rc.No.B/13489/2006, dated 15-07-2007, and also the action of the 2nd respondent in not passing any orders either in the appeal or in the stay petition, as illegal and arbitrary.

3. It is stated that the 1st respondent-Tahsildar, Khammam Urban Mandal passed the above order, ordering eviction of the petitioner from the land to an extent of 333.33 sq.yards bearing H.No.8-4-72/1 (Old) corresponding to H.No.8-4-49, on the ground that house site patta certificate granted in favour of one Kavatham Chandramma in Rc.No.B/2506/2001, dated 30-05-2003, and the possession certificate granted in favour of Smt.Raini Shalini vide B/2509/2001, dated 30-03-2003, and Kavatham Beulah Abraham vide Rc.No.B/9317/2004, dated 27-08-2004, are cancelled on the ground that the petitioner has purchased the said house sites contrary to the provisions of Section 3(1)(2) and 4(a) of the A.P.Assigned Lands (Prohibition of Transfers) Act, 1977. It is further stated that aggrieved by the said order of the 1st

respondent petitioner filed an appeal before the 2nd respondent-Revenue Divisional Officer on 04-08-2007 along with an application for grant of stay, but however, the appellate authority has not passed any orders either on the stay application or on the appeal. Hence, the present Writ Petition.

4. Having regard to the facts and circumstances, Writ Petition is disposed of directing the 2nd respondent to consider and dispose of the appeal, if any filed in order and pending, and the petitioner shall not be dispossessed pending disposal of the appeal. No order as to costs.

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V.ESWARAIAH,J

11th September, 2007.

Note:

Issue operative portion of the order by wire at party's costs.

B/o

Tsy